

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERHAN KAYIK,

Plaintiff,

v.

E. SAUCEDO, et al.,

Defendants.

No. 2:21-cv-1401 CKD P

ORDER

Plaintiff has filed motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure. Both parties consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

Relief under Rule 60(b) may be “appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

Plaintiff does not point to evidence discovered after judgment or a change in the law. Plaintiff fails to point to anything calling into question any ruling in this case and manifest injustice is not reasonably suggested.

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1 The court notes that plaintiff filed a notice of appeal before his Rule 60(b) motion. The
2 court elects to exercise its authority under Rule 62.1(a)(2) to deny the 60(b) motion even though
3 an appeal commenced before the motion was filed.

4 For the forgoing reasons, IT IS HEREBY ORDERED that plaintiff's Rule 60 motion
5 (ECF No. 68) is DENIED pursuant to the court's authority to do so under Federal Rule of Civil
6 Procedure 62.1(a)(2).

7 Dated: November 3, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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11 kayi1401.60(b)